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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number

09/874,140

Filing Date

June 6, 2001

First Named Inventor

Markus EICKMANN et al.

Group Art Unit

1648

Examiner Name

SALIMI, Ali Reza

Total Number of Pages in This Submission

5

Attorney Docket Number

38137-0018

## ENCLOSURES (check all that apply)

☐ Fee Transmittal Form

☐ Fee Attached

☒ Amendment/Response

☐ After Final

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Response to Missing Parts/Incomplete Application

☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

☐ Assignment Papers (for an Application)

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition

☐ Petition to Convert to a Provisional Application

☐ Power of Attorney, Revocation Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s) \_\_\_\_\_

☐ After Allowance Communication to Group

☐ Appeal Communication to Board of Appeals and Interferences

☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☐ Other Enclosure(s) (please identify below):

Remarks

CUSTOMER NO. 26633

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name

Patricia D. Granados, Reg. No. 33,683, HELLER EHRMAN LLP

Signature

*Patricia D. Granados*

Date

*September 14, 2005*

## CERTIFICATE OF MAILING

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NO. 38137-0018

In re patent application of:  
Markus EICKMANN et al.

Confirmation No.: 6537

Serial No. 09/874,140

Art Unit: 1648

Filed: June 6, 2001

Examiner: SALIMI, Ali Reza

For: VARICELLA ZOSTER VIRUS (VZV) IMMUNOREACTIVE PROTEIN VP26  
AND ITS DIAGNOSTIC USE

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This responds to the Restriction Requirement mailed August 15, 2005, a response to which is due September 15, 2005. Applicants do not believe that any extension of time fees are needed. In the event this is not correct, the Commissioner is authorized to charge the undersigned's account number 08-1641. Applicants hereby elect the invention of Group II, claims 15-16, drawn to immunoreactive polypeptide, with traverse. Applicants traverse the requirement as it would not be unduly burdensome for the Examiner to search and examine the other groups at the same time.

Please see the following listing of claims after this response to restriction, and amendment mandated by the withdrawal of claim 13. Please amend the Application as follows: